



PATENTS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/530,584  
Applicante: Molina *et al.*  
I.A. No.: PCT/US03/29852  
I.A. Filed: September 22, 2003  
Title: Nucleic Acids Encoding Duramycin  
Docket No.: 11299.105009 MM1020  
Customer No.: 20786

Mail Stop Missing Parts  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR  
PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID  
SEQUENCE DISCLOSURES**

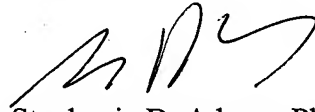
Sir:

In response to the Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures (the "Notice") mailed from the United States Patent and Trademark Office July 27, 2005, for which a response was due September 27, 2005, Applicants, through their attorneys and agents, submit the following:

1. Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures;
2. Preliminary Amendment;
3. Sequence Listing (paper);
4. Sequence Listing (diskette);
5. Sequence Listing Content Statement;
6. Petition for Extension of Time (two months);
7. Fee Transmittal;
8. Check for \$225 (to cover surcharge for petition for two month extension of time);
9. Certificate of Mailing; and
10. Postcard.

It is believed that the submission of these documents and the fee constitutes a complete response to the Notice. The Commissioner is authorized to charge any underpayment of fees and to credit any overpayment to Deposit Account No. 11-0980.

Respectfully submitted,



Stephanie D. Adams, Ph.D.  
Patent Agent  
Registration No. 47,378

Date: November 28, 2005

KING & SPALDING LLP  
191 Peachtree Street  
45<sup>th</sup> Floor  
Atlanta, GA 30303-1763  
Tel. (404) 572-4600

**FEE TRANSMITTAL**

Attorney Docket No. 11299.105009 MM1020

This sheet accompanies a patent application transmittal for the following application:

Appl. No.: 10/530,584  
 Inventor(s): Molina *et al.*  
 PCT Filing Date: September 22, 2003  
 Title: Nucleic Acids Encoding Duramycin

The filing fee is calculated as shown below:

**1. FILING FEE:**

| SMALL ENTITY   |       |          | LARGE ENTITY |          |
|--|-------|----------|--------------|----------|
| FOR:   | FEE   | FEE PAID | FEE          | FEE PAID |
| <input type="checkbox"/> UTILITY FILING FEE  | \$150 |          | \$300        |          |
| <input type="checkbox"/> UTILITY SEARCH FEE  | \$250 |          | \$500        |          |
| <input type="checkbox"/> UTILITY EXAMINATION FEE   | \$100 |          | \$200        |          |
| <input type="checkbox"/> PROVISIONAL FILING FEE  | \$100 |          | \$200        |          |
| <input type="checkbox"/> DESIGN FILING FEE   | \$100 |          | \$200        |          |
| <input type="checkbox"/> DESIGN SEARCH FEE   | \$50  |          | \$100        |          |
| <input type="checkbox"/> DESIGN EXAMINATION FEE  | \$65  |          | \$130        |          |
| <input type="checkbox"/> REISSUE FILING FEE  | \$150 |          | \$300        |          |
| <input type="checkbox"/> REISSUE SEARCH FEE  | \$250 |          | \$500        |          |
| <input type="checkbox"/> REISSUE EXAMINATION FEE   | \$300 |          | \$600        |          |
| <input type="checkbox"/> APPLICATION SIZE FEE (If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). | \$125 |          | \$250        |          |
| SUBTOTAL (1)   |       | \$xxx    |              | \$xxx    |

**2. CLAIMS:**

| SMALL ENTITY  |           |           |         | LARGE ENTITY |         |       |
|---|-----------|-----------|---------|--------------|---------|-------|
| FOR:  | NO. FILED | NO. EXTRA | RATE    | FEE          | RATE    | FEE   |
| TOTAL CLAIMS  | - 20 =    | 0         | x 25 =  |              | x 50 =  |       |
| INDEP. CLAIMS   | - 3 =     | 0         | x 100 = |              | x 200 = |       |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED |           |           | +180 =  |              | +360 =  |       |
| SUBTOTAL (2)  |           |           |         | \$xxx        |         | \$xxx |

**3. ADDITIONAL FEES:**

| SMALL ENTITY   |       |          | LARGE ENTITY |          |
|--|-------|----------|--------------|----------|
| FOR:   | FEE   | FEE PAID | FEE          | FEE PAID |
| <input type="checkbox"/> LATE FILING, FEE OR OATH                      | \$65  |          | \$130        |          |
| <input type="checkbox"/> NON-ENGLISH SPECIFICATION                     | \$130 |          | \$130        |          |
| <input checked="" type="checkbox"/> OTHER: TWO-MONTH EXTENSION OF TIME | \$225 | 225      | \$450        |          |
| SUBTOTAL (3)   |       | \$225    |              | \$xxx    |

**FEE TRANSMITTAL**

Page 2

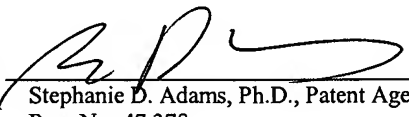
Attorney Docket No. 11299.105009 MM1020

**TOTAL FEES: \$225**

A check is enclosed for the total amount: **\$225**

☒ The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 or 1.17, or to credit any overpayment, to Deposit Account No. 11-0980.

KING & SPALDING LLP  
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Telephone: 404.572.4600

By:   
Stephanie D. Adams, Ph.D., Patent Agent  
Reg. No. 47,378

Date: November 28, 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO.    |
|-----------------------------|-----------------------|---------------------|
| 10/530,584                  | Luis Molina           | 11299.105009 MM1020 |

INTERNATIONAL APPLICATION NO.

PCT/US03/29852

I.A. FILING DATE

PRIORITY DATE

09/22/2003

10/10/2002

20786  
KING & SPALDING LLP  
191 PEACHTREE STREET, N.E.  
45TH FLOOR  
ATLANTA, GA 30303-1763

**RECEIVED**  
AUG 01 2005

KING &amp; SPALDING LLP

CONFIRMATION NO. 7698

371 FORMALITIES LETTER



\*OC000000016616659\*

Date Mailed: 07/27/2005

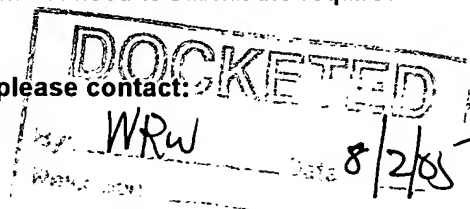
### NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:



- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

**PART 1 - ATTORNEY/APPLICANT COPY**

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO.    |
|-----------------------------|-------------------------------|---------------------|
| 10/530,584                  | PCT/US03/29852                | 11299.105009 MM1020 |

FORM PCT/DO/EO/922 (371 Formalities Notice)

Response to Notification to Comply With Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures

**RESPONSE TO NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR  
PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID  
SEQUENCE DISCLOSURES**

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that the below-listed items are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below-identified date.

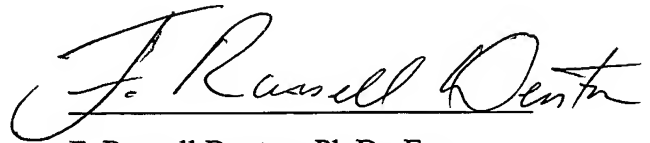
Enclosures:

1. Response to Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures;
2. Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures;
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10. Certificate of Mailing; and
11. Postcard.

Deposit Date: November 28, 2005

Appl. No.: 10/530,584

Docket No.: 11299.105009 MM1020



F. Russell Denton, Ph.D., Esq.  
Patent Attorney  
Registration No. 51,611